

IN THE UNITED STATES BANKRUPTCY
COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:

MAHMOUD SHARAFATI

Debtor

Case No. 15-13242-BFK
(Chapter 7)

NOTICE OF MOTION

US Bank National Association as Legal Title Trustee for Truman 2013 SC3 Title Trust has filed papers with the court to **obtain relief from automatic stay**.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before _____, you or your attorney must:

- λ Send to the parties listed below at least 15 days written notice of a hearing, which may be set on any regularly-scheduled motion day of the judge assigned to the case. If necessary, you may obtain a list of such dates by telephone from the clerk's office. The original and one copy of the notice must be filed with the clerk, accompanied by a motion day cover sheet, a copy of which may be obtained from the clerk. If you are not represented by an attorney, you may instead file with the clerk a written request for a hearing. If you mail your request for hearing to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. The address of the clerk's office is as follows:

Clerk of the Court
United States Bankruptcy Court
200 S. Washington Street
Alexandria, VA 22314

541873
Kathryn E. Smits, Bar #77337
ksmits@atlanticlawgrp.com
Atlantic Law Group, LLC
PO Box 2548
Leesburg, VA 20177
(703) 777-7101

You will be notified by the clerk of the hearing date and will be responsible for sending a notice of hearing to the parties listed below.

- X File with the court, at the address shown above, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). **Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.** If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. You must also mail a copy to the persons listed below.
- X Attend the hearing scheduled to be held on January 06, 2016 at 9:30 a.m. in Courtroom III. United States Bankruptcy Court, 200 South Washington Street, Alexandria, Virginia 22314. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**
- X A copy of any written response must be mailed to the following persons:

Kathryn E. Smits
Atlantic Law Group, LLC
PO Box 2548 Leesburg,
Virginia 20177

Janet M. Meiburger, Trustee
The Meiburger Law Firm, P.C.
1493 Chain Bridge Road, Suite 201
McLean, VA 22101-5726

United States Trustee, Region 4
115 South Union Street, Suite 210
Alexandria, VA 22314

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: 12/10/15

Signature, name, address and telephone number
of person giving notice:

/s/ Kathryn E. Smits

Kathryn E. Smits, Bar #77337

ksmits@atlanticlawgrp.com

Atlantic Law Group, LLC

PO Box 2548

Leesburg, Virginia 20177

(703) 777-7101

Counsel for US Bank National Association as

Legal Title Trustee for Truman 2013 SC3

Title Trust

541873

Kathryn E. Smits, Bar #77337

ksmits@atlanticlawgrp.com

Atlantic Law Group, LLC

PO Box 2548

Leesburg, VA 20177

(703) 777-7101

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Notice of Motion were mailed by first class mail, postage-paid, or served electronically this 10th day of December, 2015 to the following parties:

Mahmoud Sharafati
9848 Burke Pond Lane
Burke, VA 22015
Debtor

Nathan A. Fisher
3977 Chain Bridge Road #2
Fairfax, VA 22030
Attorney for the Debtor

Janet M. Meiburger
The Meiburger Law Firm, P.C.
1493 Chain Bridge Road, Suite 201
McLean, VA 22101-5726
Trustee

/s/ Kathryn E. Smits
Kathryn E. Smits

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE:

MAHMOUD SHARAFATI
Debtor

Case No. 15-13242-BFK
(Chapter 7)

US BANK NATIONAL ASSOCIATION AS
LEGAL TITLE TRUSTEE FOR TRUMAN
2013 SC3 TITLE TRUST
P.O. BOX 52708
IRVINE, CA 92619-2708
Movant

v.

MAHMOUD SHARAFATI
9848 BURKE POND LANE
BURKE, VA 22015
(Debtor)

And

JANET M. MEIBURGER
THE MEIBURGER LAW FIRM, P.C.
1493 CHAIN BRIDGE ROAD, SUITE 201
MCLEAN, VA 22101-5726
Trustee
Defendants

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND FOR PROSPECTIVE
RELIEF FROM THE AUTOMATIC STAY**

US Bank National Association as Legal Title Trustee for Truman 2013 SC3 Title Trust
("U.S. Bank") by undersigned counsel, respectfully moves this Honorable Court to terminate the
Automatic Stay and Co-Debtor Stay and, as grounds therefore, states as follows:

541873
Kathryn E. Smits, Bar #77337
ksmits@atlanticlawgrp.com
Atlantic Law Group, LLC
PO Box 2548
Leesburg, VA 20177
(703) 777-7101

1. This proceeding seeking relief under Section 362 and 1301 of the U.S. Bankruptcy Code is a contested matter within the meaning of 9014 and 4001 of the Federal Rules of Bankruptcy Procedure, and this court has jurisdiction over this matter pursuant to 28 U.S.C. Section 157.

2. On September 16, 2015, the above named debtor, Mahmoud Sharafati (“Debtor”), filed in this court a Petition under Chapter 13 of the United States Bankruptcy Code. Thomas P. Gorman was appointed Chapter 13 Trustee. The case converted on October 20, 2015 to a Chapter 7. Janet M. Meiburger was appointed as Trustee.

3. On or about February 17, 2006 the Debtor executed and delivered to CountryWide Bank, N.A. a Note in the amount of seven hundred thirty-six thousand and 00/100 dollars (\$736,000.00), plus interest at the rate of 6.0% per annum, attorneys’ fees, costs and late charges to be paid over thirty (30) years beginning on . A copy of the Note is attached as Exhibit “A” and incorporated herein.

4. To secure the repayment of the sums due under the Note, the Debtor executed and delivered to CountryWide Bank, N.A. a Deed of Trust dated February 17, 2006 encumbering the real property (“Property”) described as:

Lot 9, THE RESERVE AT MARTINS POINTE, as the same is duly dedicated, platted and recorded in Deed Book 14743 at Page 296, among the land records of Fairfax County, Virginia.

which has the address of 5397 Abernathy Court, Fairfax, Virginia 22032. The Deed of Trust was recorded in the Clerk’s Office of Fairfax County Circuit Court on February 22, 2006. A copy of the Deed of Trust is attached as Exhibit “B” and incorporated herein.

5. The Note was later transferred to U.S. Bank and U.S. Bank is the holder of the Note.

6. A copy of the Assignment is attached hereto as Exhibit "C" and incorporated herein.

7. As of November 20, 2015, the Debtor owes an unpaid principal balance of \$740,700.80 under the Note, plus additional accruing interest, late charges, attorneys' fees and costs.

8. As of November 20, 2015, the Debtor is contractually due for December 01, 2012, which includes the following missed payments pre and post-petition:

Periodic Payments in Arrears	Number of Missed Payments	From	To	Payment Amount	Total Due
Pre - Petition Payments	34	12/01/2012	09/01/2015	\$4,473.04	\$152,083.36
Post - Petition Payments	2	10/01/2015	11/01/2015	\$4,403.25	\$8,806.50
Suspense:					(\$211.71)
Total Payments Past Due					\$160,678.15

9. The Debtor is in default under the Note.

10. The Debtor has not and cannot offer U.S. Bank adequate protection of its interest in the Property, and U.S. Bank avers it is not adequately protected.

11. Cause exists to terminate the Automatic Stay.

12. The Debtor has filed multiple bankruptcy cases, frustrating the rights of U.S. Bank with regards to exercising their rights to the property.

13. The first case was a Chapter 13 case filed by Mahmoud Sharafati on September 10, 2014 case number (14-13351). A copy of the Docket Report for this case is attached as Exhibit "D" and incorporated herein.

14. The second case was a Chapter 13 case filed by Mahmoud Sharafati on May 08, 2014 case number (14-11749). A copy of the Docket Report for this case is attached as Exhibit "E" and incorporated herein.

15. The Debtor is currently payments behind on their payments to U.S. Bank, and are due for the contractual payment.

16. The Debtor has filed this case for the purpose of delaying U.S. Bank from exercising its rights under the Deed of Trust.

17. To protect against a possible fourth filing, U.S. Bank requests that this Court grant an Order providing prospective relief from the automatic stay as to this Property from any future Bankruptcy filing within one hundred eighty (180) days.

WHEREFORE, the premises considered, U.S. Bank respectfully requests that this Court enter an Order terminating the Automatic Stay allowing U.S. Bank to exercise its legal rights under applicable law as to the Property, including but not limited to foreclosure against the Property under the Deed of Trust, and grant prospective relief from the automatic stay such that any future bankruptcy filings within one hundred eighty (180) days by either the Debtor or any

party to whom they may transfer the Property will not hinder U.S. Bank's ability to exercise its rights under the Deed of Trust and will not require relief from the automatic stay in that case, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

Atlantic Law Group, LLC

/s/ Kathryn E. Smits

Kathryn E. Smits, Bar #77337
ksmits@atlanticlawgrp.com
Atlantic Law Group, LLC
PO Box 2548
Leesburg, Virginia 20177
(703)777-7101

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CERTIFICATION OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Motion for Relief from Automatic Stay were mailed by first class mail, postage-paid, or served electronically this 10th day of Dec, 2015 to the following parties:

Mahmoud Sharafati
9848 Burke Pond Lane
Burke, VA 22015
Debtor

Nathan A. Fisher
3977 Chain Bridge Road #2
Fairfax, VA 22030
Attorney for the Debtor

Janet M. Meiburger
The Meiburger Law Firm, P.C.
1493 Chain Bridge Road, Suite 201
McLean, VA 22101-5726
Trustee

/s/ Kathryn E. Smits
Kathryn E. Smits

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE:

MAHMOUD SHARAFATI
Debtor

Case No. 15-13242-BFK
(Chapter 7)

US BANK NATIONAL ASSOCIATION AS
LEGAL TITLE TRUSTEE FOR TRUMAN
2013 SC3 TITLE TRUST
Movant

v.

MAHMOUD SHARAFATI
9848 BURKE POND LANE
BURKE, VA 22015

and

JANET M. MEIBURGER
THE MEIBURGER LAW FIRM, P.C.
1493 CHAIN BRIDGE ROAD, SUITE 201
MCLEAN, VA 22101-5726
Trustee
Respondents

**ORDER TERMINATING AUTOMATIC STAY AND FOR PROSPECTIVE
RELIEF FROM THE AUTOMATIC STAY**

UPON CONSIDERATION of the Motion for Relief from Automatic Stay and for Prospective Relief from the Automatic Stay (“Motion”) filed by US Bank National Association as Legal Title Trustee for Truman 2013 SC3 Title Trust (“U.S. Bank”), and any response thereto, and good cause having been shown, it is hereby

ORDERED, that the Motion be, and the same is hereby **GRANTED**; and it is

further

ORDERED, that the Automatic Stay and Co-Debtor Stay are terminated allowing U.S. Bank to exercise its rights under applicable law against the Debtor's Property described as:

Lot 9, THE RESERVE AT MARTINS POINTE, as the same is duly dedicated, platted and recorded in Deed Book 14743 at Page 296, among the land records of Fairfax County, Virginia.

which has the address of 5397 Abernathy Court, Fairfax, Virginia 22032 ("Property") and grant prospective relief from the automatic stay such that any future bankruptcy filings within (180) days of the entry of this Order by either the Debtor, Co Debtor or any party to whom they may transfer the Property will not hinder U.S. Bank's ability to exercise its rights under the Deed of Trust and will not require U.S. Bank to seek relief from the automatic stay in such case, and for such other and further relief as this court deems just and proper.

ORDERED, that ten (10) day stay imposed by Rule 4001 is hereby waived and of no force and effect.

Date: _____

BY THE COURT:

Brian F. Kenney
U.S. Bankruptcy Court Judge

I ASK FOR THIS:

/s/ Kathryn E. Smits
Kathryn E. Smits, Bar# 77337
Attorney for Movant

Atlantic Law Group, LLC
PO Box 2548
Leesburg, VA 20177
703 777-7101 telephone
703 940-9119 facsimile

SEEN:

Nathan A. Fisher
3977 Chain Bridge Road, #2
Fairfax, VA 22030
Bar No. _____
Attorney for the Debtor

Janet M. Meiburger
The Meiburger Law Firm, P.C. 1493 Chain
Bridge Road, Suite 201
McLean, VA 22101-5726
Trustee Copies to:

Kathryn E. Smits, Bar# 77337 Attorney
for Movant
Atlantic Law Group, LLC PO Box
2548
Leesburg, VA 20177

Mahmoud Sharafati 9848
Burke Pond Lane Burke, VA
22015 Debtor

Nathan A. Fisher
3977 Chain Bridge Road #2
Fairfax, VA 22030 Attorney for
the Debtor

Janet M. Meiburger
The Meiburger Law Firm, P.C. 1493 Chain
Bridge Road, Suite 201
McLean, VA 22101-5726
Trustee

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that copies of the foregoing Proposed Order for Relief From the Automatic Stay were mailed by first class mail, postage-paid, or served electronically this 10th day of Dec, 2015 to the following parties:

Mahmoud Sharafati
9848 Burke Pond Lane
Burke, VA 22015
Debtor

Nathan A. Fisher
3977 Chain Bridge Road #2
Fairfax, VA 22030
Attorney for the Debtor

Janet M. Meiburger
The Meiburger Law Firm, P.C.
1493 Chain Bridge Road, Suite 201
McLean, VA 22101-5726
Trustee

/s/ Kathryn E. Smits
Kathryn E. Smits, Esquire

